

Jonathan M. Genish (State Bar No. 259031)
jgenish@blackstonepc.com
Miriam L. Schimmel (State Bar No. 185089)
mschimmel@blackstonepc.com
Joana Fang (State Bar No. 309623)
jfang@blackstonepc.com
Alexandra Rose (State Bar No. 329407)
arose@blackstonepc.com
BLACKSTONE LAW, APC
8383 Wilshire Boulevard, Suite 745
Beverly Hills, California 90211
Tel: (310) 622-4278 / Fax: (855) 786-6356

Attorneys for Plaintiff Emmanuel Caldera

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE**

EMMANUEL CALDERA, individually, and
on behalf of other members of the general
public similarly situated,

Plaintiffs,

vs.

ZEB'S WORLD FAMOUS BOATHOUSE
INC. DBA GOAT HILL TAVERN, a
California corporation; and DOES 1 through
25, inclusive,

Defendants.

Case No.: 30-2023-01310801-CU-OE-CXC

Honorable Randall J. Sherman
Department CX105

**DECLARATION OF PLAINTIFF
EMMANUEL CALDERA IN SUPPORT OF
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION AND
PAGA SETTLEMENT**

Reservation No: 74276082
Date: July 5, 2024
Time: 10:00 a.m.
Dept: CX105

Complaint Filed: March 7, 2023
FAC Filed: May 12, 2023
Trial Date: Not Set

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

1. I am over the age of eighteen (18) and a resident of the State of California. I am the named plaintiff in the above-captioned case. I have personal knowledge of the facts and statements set forth in this declaration, and if called upon to testify, I could and would competently testify thereto.
2. I was employed by Defendant Zeb's World Famous Boathouse, Inc. dba Goat Hill Tavern ("Goat Hill Tavern") as an hourly-paid, non-exempt Doorman from approximately June 2022 to August 2022.
3. Because I thought the practices at Goat Hill Tavern may not be lawful, I decided to seek legal advice about my work experiences at Goat Hill Tavern and about filing a lawsuit to obtain relief for my grievances. I contacted Blackstone Law, APC and spoke with their attorneys. I wanted to take steps to make sure Goat Hill Tavern was held accountable for not properly compensating its employees for all hours worked and for non-compliant meal and rest breaks. After speaking with the attorneys, I also investigated class and representative action lawsuits on my own. Thereafter, I further consulted with the attorneys at Blackstone Law, APC about my situation, class actions, representative action lawsuits under the Private Attorneys General Act ("PAGA"), and what it meant to bring a class and PAGA action so that I understood what I was considering doing.
4. I have regularly conferred with my attorneys regarding the case as part of my responsibilities as a class and PAGA representative. This process included searching for and providing documents concerning my employment with Goat Hill Tavern, answering any questions my attorneys had about the documents, providing information regarding the company's practices and the duties of other hourly-paid and/or non-exempt employees, and helping my attorneys develop a strategy as to what additional documents and information they could seek to obtain from Goat Hill Tavern.
5. I routinely checked in with my attorneys and their staff to make sure that they had all of my most current information and any additional information that I had obtained. I made myself available to answer any questions my attorneys had about Goat Hill Tavern's practices and treatment of its employees whenever they needed me. I responded to them as quickly as possible and gave them as much information as I could.

1 6. I understood that in the event this matter did not settle and proceeded with trial, I would
2 need to be in court to participate in the trial. I was ready to perform that role, as well as fulfill any
3 responsibilities that are necessary for this lawsuit.

4 7. I know that I took a sizeable risk by bringing and pursuing this lawsuit for several
5 reasons. First, I understood that if I lost, I would potentially have to pay the costs in the lawsuit. I
6 also understood there was a risk of losing any current job and/or income due to the time that I would
7 have to spend fulfilling my responsibilities in this matter, including having to attend the trial, if needed.
8 Most importantly, I believe that by pursuing this case, I have taken a significant risk because future
9 employers can easily find out that I sued my prior employer, and that may negatively impact my ability
10 to find employment within this industry – and even outside of it – in the future. In contrast, the other
11 employees who will be receiving money from this lawsuit did not have to file a claim or take the risk
12 that I took in bringing this action.

13 8. I reviewed the settlement agreement, discussed the settlement agreement with my
14 attorneys, and asked them questions before signing it.

15 9. I believe that I have done everything that my attorneys have asked of me and tried, to
16 the best of my ability, to seek relief for the Class, the PAGA Employees, and the State of California.
17 In total, I have spent approximately 30 to 35 hours participating in this case as described above. I
18 believe my efforts helped get the result obtained in this case.

19 10. I understand that any resolution of this lawsuit on a class wide basis is subject to court
20 approval, and any settlement must be designed in the best interest of the Class as a whole. At all times
21 throughout the course of this litigation I have considered the interests of the Class and put them before
22 my own personal interests.

23 11. I understand that incentive or enhancement awards are discretionary and intended to
24 compensate named plaintiffs for: the quality and quantity of the work done on behalf of the class and
25 other employees; the financial and/or reputational risk undertaken in bringing the class and/or PAGA
26 action, and an acknowledgment of the benefits resulting from the representative's actions. I believe
27 my work in this matter is meritorious on these points for the reasons set forth above.

28 ///

1 12. I respectfully request that the Court approve and award me an Enhancement Payment
2 in the amount of \$5,000.00 for my efforts and active participation in the case and for the broader,
3 general release of all claims that I have or may have against Goat Hill Tavern in connection with the
4 settlement. Taking into consideration the time that I dedicated to this case, I believe that this amount
5 is reasonable.

6 13. I am not related to anyone associated with Blackstone Law, APC.

7 I declare under penalty of perjury under the laws of the State of California that the foregoing
8 is true and correct. Executed on 02/21/2024, at Mission Viejo, California.

9
10 

11 _____
Emmanuel Caldera
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28